

ENROLLED ORIGINAL

A RESOLUTION

18-404

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2010

To approve the proposed rules to list the jurisdictions with legally recognized relationships certified as substantially similar to domestic partnerships in the District of Columbia that shall be recognized as domestic partnerships in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Domestic Partnership Certified List of Jurisdictions Approval Resolution of 2010".

Sec. 2. (a) Pursuant to section 3(i) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(i)), the Mayor is required to establish and maintain a list of jurisdictions in which the laws of the jurisdiction permit the establishment of relationships substantially similar to domestic partnerships in the District, regardless of the term or phrase used to refer to the relationship, that shall be recognized as domestic partnerships in the District of Columbia.

(b) Pursuant to section 10(b) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-709(b)), the Mayor transmitted proposed rules to the Council on January 21, 2010 to certify legally recognized relationships in other jurisdictions that are substantially similar to domestic partnerships registered in the District of Columbia and that shall be recognized as domestic partnerships in the District. The Council approves the proposed rules published at 56 DCR 8186, to amend section 8001 of Title 29 of the District of Columbia Municipal Regulations.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Director of the Department of Health, and the Director of the Office of Documents and Administrative Issuances.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal

ENROLLED ORIGINAL

impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-406

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2010

To declare the sense of the Council on the need for Mayor Adrian M. Fenty's administration to request federal emergency disaster assistance to accommodate the needs of District residents in addressing record snowstorms and their likely subsequent effects.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Requesting Federal Disaster Assistance for the 2010 Snowstorm and Subsequent Damage Resolution of 2010".

Sec. 2. The Council finds that:

(1) There exists a need for Mayor Adrian M. Fenty's administration to request federal emergency disaster assistance to accommodate the needs of District residents in addressing record snowstorms and their subsequent effects.

(2) The District set a precedent in requesting, and receiving, federal disaster assistance under the administration of Mayor Anthony A. Williams pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, approved November 23, 1988 (Pub. L. No. 93-288; 102 Stat. 4689).

(3) However, this winter the District has surpassed a 100-year record of snowfall as the result of recent blizzards. These blizzards have resulted in damage to homes, businesses, and a reported 40% of District snow-removal equipment.

(4) The District's local budget for snow removal is greatly exceeded, and a vast amount of snow is still accumulated in dangerous positions for motorists and pedestrians.

(5) Because the District has areas of high flood concern; the accumulated snow will have disastrous subsequent flooding potential.

(6) Federal government disaster assistance received in 2001 and 2003, under the former administration, covered basic needs. If an individual has insurance, the federal government may help pay for basic needs not covered under his or her insurance policy. Some disaster aid does not have to be paid back, while other help may come in the form of loans.

(7) Under a declaration, snow-damaged and flood-stricken residents are eligible to apply for federal aid that can include grants to help pay for temporary housing, emergency home repairs and other serious disaster-related expenses. Low-interest loans from the U.S. Small

ENROLLED ORIGINAL

Business Administration also will be available to cover residential and business losses not fully compensated by insurance. Moreover, the District can apply for snow-removal assistance to greatly reduce dangerous conditions for our residents and relieve financial burdens for the District. This type of assistance is needed to address the current effects of recent snowstorms.

Sec. 3. It is the sense of the Council that there exists a need for Mayor Adrian M. Fenty's administration to request federal emergency disaster assistance to accommodate the needs of District residents in addressing record snowstorms and their subsequent effects.

Sec. 4. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-420

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 2, 2010

To amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, to adopt a policy of censure and reprimand for members of the Council for violations of federal and District laws and rules, including violations of the Council's Rules of Conduct, and to strengthen the Council's rules for designated grants before the upcoming budget cycle.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 18 Censure and Reprimand Policy Establishment and Designated Grant Amendment Resolution of 2010".

Sec. 2. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 18, effective January 2, 2009 (Res. 18-1; 55 DCR 748), is amended as follows:

(a) Article VI is amended by adding a new Subtitle D to read as follows:

"D. CENSURE AND REPRIMAND PROCEDURES

"651. REPRIMAND.

"(a) A reprimand is a formal statement of the Council officially disapproving the conduct of one of its members. A reprimand shall be directed to a particular member of the Council based on a particular action (or set of actions) that is determined to be in violation of the Council's Rules, law, or policy, but is considered to be not sufficiently serious to require censure. A reprimand is distinguished from censure in that it is not punishment or discipline and, therefore, does not require an investigation or separate hearing.

"(b) The Council may adopt a resolution of reprimand in the same manner as provided for the adoption of any resolution; provided, that the Councilmember who is the subject of the resolution is permitted to speak in his or her defense prior to action on the motion for adoption of the resolution. The fact that the Councilmember who is the subject of a reprimand does not choose to respond to the resolution or does not attend the meeting at which the resolution is to be adopted shall not prevent the Council from adopting the resolution; provided, that the Councilmember had actual notice of the inclusion of the resolution on the agenda and had a reasonable opportunity to attend the meeting.

ENROLLED ORIGINAL

"652. CENSURE.

"(a) Censure is a formal statement of the Council officially disciplining one of its members. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the Council determines that the violation of law or policy is a serious offense. To protect the overriding principle of freedom of speech, the Council shall not impose censure on any member for the exercise of his or her First Amendment right, no matter how distasteful the expression of that right was to the Council and the District. However, nothing in this rule shall be construed to prohibit the Council, as a body, from condemning and expressing its strong disapprobation.

"(b)(1) The Council by a 2/3rd vote of its members present and voting may adopt a resolution of censure if it finds, based on substantial evidence, that a Councilmember took an action that amounts to a gross failure to meet the highest standards of personal and professional conduct.

"(2) Substantial evidence is proof that a reasonable person would accept as adequate to support a conclusion or decision in favor of censure.

"(c) A request for censure of a member of the Council may be submitted to the Secretary by any member of the Council. The request shall contain the specific charges on which the proposed censure is based. The request for censure shall be considered by a 5 member *ad hoc* committee of the Council appointed by the Chairman or, if the Chairman is the subject of the censure, by the Chairman Pro Tempore ("censure committee"). The censure committee shall not include the member making the request or the member who is the subject of the request.

"(d) The Secretary shall deliver a copy of the request for censure and the charges to each member of the Council at least 48 hours prior to the first meeting of the censure committee at which the request will be first considered.

"(e) The censure committee's proceedings may be conducted in executive session in accordance with Council Rule 504. The censure committee shall permit testimony from both the member making the request and the member subject to the request and shall determine whether:

"(1) Further investigation of the charges is required to determine if a censure hearing is warranted;

"(2) The matter is to be set for a censure hearing; or

"(3) No further action should be taken with respect to the request.

"(f) If the censure committee determines no further action should be taken with respect to the request, the censure committee shall report that to the Council at its earliest opportunity. If the censure committee determines that further investigation is required, the censure committee shall conduct an investigation, arrive at its recommendation, and report the recommendation and its findings, conclusions, and a summary of its proceedings ("findings") to the Council at its earliest opportunity. If the censure committee does not report its recommendation and findings to the Council within 30 calendar days of the receipt of the request for censure and the formation of the censure committee, the matter shall be sent to the Council for its consideration.

ENROLLED ORIGINAL

"(g) Upon receipt of the report of the censure committee, or at the expiration of the time for the censure committee to report to the Council, the Chairman shall place the matter on the Council's agenda to determine whether or not a censure hearing is warranted. If the Chairman decides to set the matter for a censure hearing, it shall be scheduled for no sooner than one week after the determination to hear the matter. Written notice of the hearing shall be delivered in person to the member of the Council subject to the censure or to the member's Council office at least 48 hours in advance of the scheduled hearing.

"(h)(1) The censure hearing shall be conducted by the Chairman or, if the Chairman is the subject of the hearing, by the Chairman Pro Tempore. At the censure hearing, the member of the Council who is subject to the censure shall be given the opportunity to make an opening and a closing statement, to call witnesses on his or her behalf, and to question his or her accusers. The member subject to the censure may be represented by a person, or persons, of his or her choice whether or not the person is an attorney at law and may have that representative speak or question witnesses on his or her behalf.

"(2) The questioning or cross-questioning of witnesses may be reasonably limited by the chair of the hearing.

"(3) Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration.

"(4) The rules of evidence and judicial procedure applicable in courts of law shall not be applicable to this hearing, and the procedures shall be generally informal.

"(i) Notwithstanding any other provision of this rule, the Chairman, pursuant to an authorizing resolution, may appoint any person or a standing or special committee to perform any investigation required by the rule."

(b) Article VII, Subtitle D is amended to read as follows:

"D. SPECIFIED FUNDING ALLOCATION PROCEDURES.

"730. REQUIRED INFORMATION PRIOR TO APPROVAL.

"(a) To receive an earmarked grant through the budget process or a supplemental budget, each named grantee shall submit, postmarked or hand delivered, no later than 7 calendar days following the date of the scheduled vote of the Council on the Budget Request Act, 2 copies to the Council's Office of the Budget Director and 1 copy to the Council committee that has oversight of the agency that will monitor the grant of:

"(1) The organization's articles of incorporation demonstrating that the organization has been incorporated at least 3 years prior to the date of the vote on the Budget Request Act;

"(2) The Internal Revenue Service certification that the organization is tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3));

"(3)(A) The organization's most recent financial audit, not more than 2 years old;

or

ENROLLED ORIGINAL

“(B) A recent financial statement, not more than one year old, prepared by a certified accountant that shows that the organization is in good financial standing and which delineates the organization’s:

- “(i) Existing assets and liabilities;
- “(ii) Pending lawsuits, if any; and
- “(iii) Pending and final judgments, if any;

“(4) An Internal Revenue Service Form 990 covering the organization's most recently completed fiscal year;

“(5) A federal tax identification number;

“(6) A notarized statement from the grantee certifying that:

“(A) The organization is current on District and federal taxes;

“(B) The Council of the District of Columbia is authorized to verify the organization's tax status with the District of Columbia Office of Tax and Revenue, and the Office of Tax and Revenue is authorized to release this information to the Council, the Mayor, and the District of Columbia Auditor;

“(C) The organization focuses primarily on services to the District of Columbia; and

“(D) The District government shall have access to its financial, administrative, and operational records, including specific consent for the District of Columbia Auditor to access its books, accounts, records, findings, and other documents related to the grant; and

“(7) A draft of a comprehensive program statement that includes a detailed:

“(A) Scope of work; and

“(B) Budget that describes how the grant funds shall be spent.

“(b)(1) Nothing in this subtitle shall be construed as waiving the requirements to submit information or pay any delinquent fees or taxes required of all grantees by the grantor agencies or organizations.

“(2) A grant monitoring agency may:

“(A) Require a more detailed scope of work and grant budget;

“(B) Require changes to the draft program statement required by subsection (a)(7) of this rule to ensure the prudent expenditure of funds consistent with the purpose of the grant stated in the Budget Support Act; and

“(C) Impose additional requirements on grantees that are required of other grantees.

“(c)(1) All earmarked grants shall be listed in the Budget Support Act and include the grantee name, grant amount, and purpose of the grant. Prior to the second reading of the Budget Support Act, the Budget Director shall certify which grantees have met the requirements of subsection (a) of this rule and the Office of Tax and Revenue shall certify which organizations are current on District taxes. Any grantee that has not met the requirements of subsection (a) of this rule shall be stricken from the Budget Support Act on second reading and shall not receive funding through an earmarked grant.

ENROLLED ORIGINAL

"(2) Grant funds not distributed to disqualified groups will remain in the agency's budget and may be distributed as grants through a competitive process.

"(d) Organizations seeking grants shall:

"(1) Submit a formal request to the committee with oversight over the subject of the grant, including a detailed description of the organization, its officers, the proposed grant activities, and a proposed grant budget prior to the committee mark-up of the earmarked grant; and

"(2) Testify, at the budget oversight hearing of the relevant Council committee for the agency that will be monitoring the grant or shall submit written testimony prior to that committee's budget mark-up.

"731. PROHIBITION ON CONSECUTIVE ALLOCATIONS.

"(a) Beginning with the fiscal year 2011 budget, an organization shall not receive a specified funding allocation if the organization has received an award in the prior fiscal year.

"(b) An organization that receives a specified funding allocation for a capital project shall be limited to only one capital award annually.

"732. LIMITS ON AWARD AMOUNTS.

"(a) Specified funding allocations shall be limited to \$250,000 for non-capital projects and \$1 million for capital projects.

"(b) No grant to a nonprofit organization may be issued from capital funds.

"733. AUDIT REQUIREMENTS.

"(a) Grantees shall be notified that the District of Columbia Auditor will randomly audit grant recipients.

"(b) The District of Columbia Auditor's report shall be issued no later than March 1st of the fiscal year immediately following the year for which the grant was awarded.

"734. DISCLOSURE REQUIREMENTS.

"Councilmembers and staff and the officers and directors of a proposed grantee shall be required to disclose the existence of any personal, familial, or financial relationship between a Councilmember or staff and any officer or director of the grantee."

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-423

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To approve the negotiated compensation and working conditions collective bargaining agreement submitted by the Mayor for District of Columbia Public Schools employees represented by the Teamsters Locals 639 and 730, affiliated with the International Brotherhood of Teamsters.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation and Working Conditions Collective Bargaining Agreement between the District of Columbia Public Schools and Teamsters Locals 639 and 730, affiliated with the International Brotherhood of Teamsters Approval Resolution of 2010".

Sec. 2. (a) Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council approves the compensation agreement negotiated through collective bargaining between the District of Columbia government and the Teamsters Locals 639 and 730, affiliated with the International Brotherhood of Teamsters, representing bargaining unit employees employed by District of Columbia Public Schools, which was transmitted to the Council by the Mayor on February 9, 2010.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Teamsters Locals 639 and 730 and to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-424

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To approve the proposed Bellevue Small Area Action Plan submitted by the Mayor to the Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bellevue Small Area Action Plan Approval Resolution of 2010".

Sec. 2. Pursuant to section 4(c)(4) of District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984, effective March 16, 1985 (D.C. Law 5-187; D.C. Official Code § 1-306.03(c)(4)), the Mayor transmitted to the Council on January 20, 2010, the proposed Bellevue Small Area Action Plan, dated December 2009 ("Plan").

Sec. 3. The Council finds that:

(1) The area of the Plan is located in Ward 8 and includes the neighborhood of Bellevue. The Plan area is defined by Southern Avenue, S.W., on the south, 1st Street, S.E., on the east, Halley Street, S.E., on the north, and Second Street, S.W., on the west.

(2) The Plan was initiated in February 2009 by the Office of Planning.

(3) The Plan was published and made available to the public on October 19, 2009, and a public hearing was held on November 19, 2009.

(4) The Plan is the result of a collaborative planning process between Advisory Neighborhood Commissions, community groups, neighborhood institutions, the faith community, representatives of the business community, other neighborhood stakeholders, the Ward 8 Councilmember, District government agencies, and the Office of Planning.

(5) The planning process commenced with the understanding that solutions must balance neighborhood goals and city-wide objectives with market realities and that redevelopment activity must complement the established character of the existing community. The Plan provides the framework and foundation to guide redevelopment at 3 specific sites in the Bellevue neighborhood. The elements of the Plan are based on extensive research, professional analysis, and substantial public input, which helped guide the recommendations.

(6) The Plan was submitted to the affected Advisory Neighborhood Commissions, community groups, neighborhood institutions, faith community, representatives

ENROLLED ORIGINAL

of the business community, and other neighborhood stakeholders for a comment period of one month.

(7) The goals and strategies of the Plan:

(A) Place priority on affordable rental and ownership housing development by:

(i) Coordinating with the Department of Housing and Community Development's Property Acquisition and Disposition Division to develop affordable and market-rate housing on vacant and underutilized properties;

(ii) Developing mixed-income housing at development opportunity sites (sites 1, 2, and 3) and infill sites and ensuring appropriately scaled development through design review; and

(iii) Actively promoting a weatherization program for low- and moderate-income households to offer financial assistance to make homes more energy efficient, lowering monthly utility costs;

(B) Enhance the overall commercial environment of the Bellevue neighborhood by:

(i) Engaging existing and new business owners to create a merchants association to provide general technical assistance to retailers and property owners to:

(I) Promote retention of business;

(II) Encourage mixed-use options; and

(III) Promote improvements to the overall business

environment;

(ii) Working with property owners to facilitate the appropriate mix of retail establishments on their sites;

(iii) Recruiting stores to participate in health promoting programs, such as the Healthy Corner Store program, which is funded by the District Department of Health, and providing technical assistance to member stores; and

(iv) Encouraging local businesses to participate in a cooperative buying agreement with the Ward 8 Farmers Market for distribution of fresh, healthy food;

(C) Promote a self-sustaining community with educational and career development, recreational activities, and services for Bellevue residents by:

(i) Soliciting participation from faith-based and nonprofit organizations to promote existing programs and resources, specifically those involving:

(I) Education;

(II) Job training; and

(III) Youth services;

(ii) Targeting resources to increase employment and entrepreneurial opportunities by expanding the capacity of:

(I) Job training;

ENROLLED ORIGINAL

- (II) Educational opportunities; and
- (III) Job placement services; and
- (iii) Redeveloping the Washington Highlands Library to create an anchor with the South Capitol/Atlantic Street node;
- (D) Encourage a mix of land uses at each redevelopment site by redeveloping the South Capitol/Atlantic Street and South Capitol/Southern Avenue sites as moderate-density; mixed-use areas, to be consistent with existing zoning; and
- (E) Establish visual consistency and compatible development along the South Capitol Street Corridor that builds on neighborhood assets through design guidelines by:
 - (i) Implementing Great Streets improvements, including streetscaping for the South Capitol Street Corridor from Halley Street, S.E., to Galveston Place, S.E., which will provide pedestrian safety through the use of consistent signage and street furniture;
 - (ii) Incorporating place-making elements in new development projects, such as:
 - (I) Public plazas;
 - (II) Water features;
 - (III) Public art; and
 - (IV) Sidewalk activities; and
 - (iii) Creating new and rehabilitating existing bicycle and pedestrian trails by which residents can access:
 - (I) Neighborhood parks;
 - (II) Green spaces; and
 - (III) Amenities.

Sec. 4. The Plan, as submitted, is approved by the Council as a small area action plan.

Sec. 5. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-425

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To approve multiyear Contract No. CFOPD-10-C-028 with Thompson, Cobb, Bazilio & Associates to provide auditing services for the District of Columbia pension and retirement plans.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-10-C-028, Auditing Services Approval Resolution of 2010".

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. CFOPD-10-C-028 for auditing services for the District of Columbia pension and retirement plans for the Office of the Chief Financial Officer, Office of Finance and Treasury.

(b) The proposed contract has a 5-year base term and 2 one-year option periods. The proposed multiyear contract cost is not to exceed \$375,720 for the base term.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Chief Financial Officer.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Office of the Chief Financial Officer, dated January 21, 2010, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-426

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To declare the existence of an emergency with respect to the need to amend the Public Education Reform Amendment Act of 2007 to establish a Department of Parks and Recreation Capital Project Mentorship Program, for a limited time, for the Department of Parks and Recreation to learn best practices from the Office of Public Education Facilities Modernization and reform its capital projects department, and to establish reporting requirements for Certified Business Enterprise and District resident participation in these capital projects.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Parks and Recreation Capital Construction Mentorship Program Emergency Declaration Resolution of 2010".

Sec. 2. (a) There exists an immediate need to reform Department of Parks and Recreation ("DPR") capital projects division to maintain better controls and accountability of funds designated to DPR by maintaining services within the agency.

(b) Pursuant to the Committee on Libraries, Parks and Recreation Budget Transparency Investigation Authorization Resolution of 2009, effective November 2, 2009 (56 DCR 8724), information and testimony received from executive witnesses, including the Deputy Mayor for Planning and Economic Development, the City Administrator, and acting and former directors of DPR, consistently demonstrated that the capital project division at DPR is not capable of managing capital projects, despite 11 full-time equivalent employees budgeted for the duty.

(c) The Office of Public Education Facilities Modernization has agreed to mentor DPR through various capital projects, for a limited time, to assist in the long-term capabilities of DPR to achieve the goal of maintaining projects "in-house" that will result in cost savings to District taxpayers.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Department of Parks and Recreation Capital Construction Mentorship Program Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-427

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To declare the existence of an emergency with respect to the ~~need to clarify~~ bonus and special pay restrictions for Fiscal Year 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Bonus and Special Pay Clarification Emergency Declaration Resolution of 2010".

Sec. 2. (a) Section 1281 of the Fiscal Year 2010 Budget Support Act of 2009 ("BSA") prohibits the use of funds to support the categories of special pay and bonus pay, except for retirement incentives.

(b) The Council's intent in enacting this provision was to prevent the payment of performance-related bonuses, special act pay, or service awards in the face of the District's current economic status.

(c) The existing provision, however, also prevents the District from using funds to support other types of special pay, which are needed to recruit and maintain a large segment of professional staff, including doctors and engineers.

(d) This emergency is necessary to authorize payments to these professionals and to further clarify the Council's intent.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Bonus and Special Pay Clarification Emergency Amendment Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-428

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To declare the existence of an emergency with respect to the need to amend Chapter 10 of Title 16 of the District of Columbia Official Code to repeal the sunset clause for the Domestic Violence Fatality Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Domestic Violence Fatality Review Board Emergency Declaration Resolution of 2010".

Sec. 2. (a) Pursuant to section 16-1059 of the District of Columbia Official Code, the provisions establishing the Domestic Violence Fatality Review Board ("DVFRB") will sunset on April 11, 2010.

(b) The DVFRB was established in 2002 to identify and analyze domestic violence fatalities in the District and make recommendations for improvements and training. It includes representatives from the Metropolitan Police Department, the Office of the Chief Medical Examiner, the Child and Family Services Agency, university legal clinics, and domestic violence advocacy organizations.

(c) On February 2, 2010, Councilmember Kwame Brown introduced permanent legislation that will repeal the sunset clause for the DVFRB.

(d) The Committee on Public Safety and the Judiciary has scheduled a public hearing on the permanent legislation for March 22, 2010.

(e) Emergency legislation to repeal the April 2010 sunset clause is necessary to prevent a lapse in DVFRB's enabling legislation prior to any action on the permanent legislation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Domestic Violence Fatality Review Board Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately

ENROLLED ORIGINAL

A RESOLUTION

18-429

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To declare the existence of an emergency with respect to the need to disapprove reprogramming request No. 18-103 in the amount of \$3.5 million for the Office of the Deputy Mayor for Planning and Economic Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming Request No. 18-103 Disapproval Emergency Declaration Resolution of 2010".

Sec. 2. (a) Notice was filed in the Council Chairman's office on March 10, 2010 to reprogram \$3.5 million of capital budget authority from the Fire and Emergency Medical Services Department for renovation of Engine Company #22 to the Deputy Mayor for Planning and Economic Development to fund a contract with Waterfront Associates, LLC for construction of the Waterside Mall.

(b) The Mayor submitted Reprogramming No. 18-103 on Wednesday March 10, 2010. While a notice of disapproval could be filed extending Council review until April 10, 2010, the Council will be on recess the first week of April, probably will not meet before the April 20th additional meeting, and is not scheduled to meet again until its May 4, 2010 Legislative Session, all dates after Reprogramming No. 18-103 would be deemed approved.

(c) There exists an immediate need to act on this reprogramming to ensure the Council has an opportunity to act before the reprogramming is deemed approved.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Reprogramming Request No. 18-103 Emergency Disapproval Resolution of 2010 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-430

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To disapprove, on an emergency basis, reprogramming request No. 18-103 in the amount of \$3.5 million for the Office of the Deputy Mayor for Planning and Economic Development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reprogramming Request No. 18-103 Emergency Disapproval Resolution of 2010".

Sec. 2. Pursuant to section 47-363 of the District of Columbia Official Code, on March 10, 2010, the Mayor transmitted a reprogramming request, No. 18-103, to the Council to reprogram \$3.5 million of capital budget authority from the Fire and Emergency Medical Services Department for renovation of Engine Company #22 to the Deputy Mayor for Planning and Economic Development to fund a contract with Waterfront Associates, LLC for construction of the Waterside Mall. The Council disapproves this reprogramming request.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-431

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To declare the existence of an emergency with respect to the need to approve the disposition of District-owned real property located at 2635 18th Street, N.E., Washington, D.C., most commonly known as the Washington Center for Aging Services, and designated for assessment and taxation purposes as Lot 0050, Square 4124.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Washington Center for Aging Services Disposition Approval Emergency Declaration Resolution of 2010".

Sec. 2. Definitions:

For the purposes of this resolution, the term:

(1) "CBE Agreement" means an agreement with the District governing certain obligations of the lessee or the developer of the property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) ("CBE Act"), including the equity and development participation requirements set forth in section 2349a of the CBE Act.

(2) "Certified business enterprise" means a business enterprise or joint venture certified pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(3) "First Source Agreement" means an agreement with the District governing certain obligations of the lessee or any developer of the property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983), regarding job creation and employment generated as a result of the construction on the property.

(4) "Lessee" means Stoddard Baptist Home, Inc., a District of Columbia nonprofit corporation, or its successor.

(5) "Property" means the real property located at 2635 18th Street, N.E., Washington, D.C., most commonly known as the Washington Center for Aging Services, and designated for assessment and taxation purposes as Lot 0050, Square 4124.

ENROLLED ORIGINAL

(6) "Rent" means the consideration paid by lessee for the lease of the property.

Sec. 3. Approval of disposition warranted.

(a) Pursuant to sections 1(b) and (b-1) of an Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code §10-801(b) and (b-1)), the Mayor transmitted to the Council a request for Council to authorize a lease of the property to the lessee.

(b) The proposed disposition would occur through a negotiated ground lease for a period of greater than 20 years to the lessee, whose primary address is 1818 Newton Street, N.W., Washington, D.C. 20010, for use as long-term care nursing facility.

(c) Lessee's best and final offer to ground lease the property was accepted by the District on November 23, 2009, in response to the District's Request for Offers # OPM-RFO-OUT-2009-3.

(d) The proposed disposition is expected to include the following terms and conditions, in addition to such other terms and conditions as the Mayor considers necessary or appropriate:

(1) The terms of the ground lease shall require the use of the property as a long-term nursing home care facility.

(2) The lessee, if applicable and required by law, will enter into a CBE Agreement with the District. The CBE Agreement will require the lessee to contract with certified business enterprises for at least 35% of the contract dollar volume of the redevelopment of the property, if any, and, if possible, will require at least 20% equity and development participation of local, small, and disadvantaged business enterprises.

(3) The lessee of the property will enter into a First Source Agreement with the District.

(e) The Council finds that the property is not required for public purposes.

(f) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of the property justifies the lease proposed by the Mayor.

(g) The Council finds that there is an immediate need to approve the disposition of the property.

Sec. 4. The Council of the District of Columbia determines that the circumstances enumerated in section 3 constitute emergency circumstances making it necessary that the Washington Center for Aging Services Disposition Approval Emergency Act of 2010 be adopted after a single reading.

ENROLLED ORIGINAL

A RESOLUTION

18-432

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To declare the existence of an emergency with respect to the need to approve the option exercise related to Contract No. GAGA-2009-C-0005 contained in Modification No. 5 and to approve Contract No. GAGA-2010-C-0022, as modified by proposed Modification No. 2, and to authorize payment for the services received and to be received under these contracts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. GAGA-2009-C-0005 Option Exercise and Contract No. GAGA-2010-C-0022 Modification Approval and Payment Authorization Emergency Declaration Resolution of 2010".

Sec. 2. (a) There exists an immediate need to approve the option exercise related to GAGA-2009-C-0005 contained in Modification No. 5 and GAGA-2010-C-0022, as modified by proposed Modification No. 2, both of which are necessary to continue the Capital Gains program jointly administered by Harvard University, on behalf of the Education Innovation Laboratory and the District of Columbia Public Schools to provide financial incentives to improve student academic performance, behavior and attendance in public schools, and to study the outcomes resulting from the incentives, and to authorize payment for the services received and to be received under these contracts.

(b) Between October 7, 2009, and November 20, 2009, partial options for option year one were exercised with respect to Contract No. GAGA-2009-C-0005 to continue the Capital Gains program through December 18, 2009. On December 15, 2009, by Modification No. 5, the District of Columbia Public Schools Office of Contracts and Acquisitions exercised a final partial option for option year one in the amount of \$600,000 for the period October 1, 2009, until December 18, 2009.

(c) On December 21, 2009, Harvard University, on behalf of the Education Innovation Laboratory, and the District of Columbia Public Schools entered into Contract No. GAGA-2010-C-0022 in the amount of \$350,000 with respect to the joint administration of the Capital Gains program.

ENROLLED ORIGINAL

(d) It is now necessary to modify Contract No. GAGA-2010-C-0022 through the proposed Contract Modification No. 2 to increase the total estimated not-to-exceed amount for GAGA-2010-C-0022 from \$350,000 to \$605,000, which together with the already exercised option related to Contract No. GAGA-2009-C-0005 in the amount of \$600,000, will now total \$1.205 million. This \$255,000 increase in funding for the Capital Gains program is necessary because student participants are performing at a higher level than originally anticipated, causing the amount of expected student payments for the remainder of the 2009-2010 school year to exceed the program's budget.

(e) Council approval is necessary as the proposed Modification No. 2 to Contract No. GAGA-2010-C-0022 will increase the total payments to Harvard University, on behalf of Education Innovation Laboratory, to an amount greater than \$1 million during a 12-month period.

(f) Approval is necessary to allow the continuation of these services to students of District of Columbia Public Schools and to fulfill the legitimate expectations of students participating in the Capital Gains program. Without Council approval, Harvard University, on behalf of Education Innovation Laboratory, will not be provided the District of Columbia Public Schools' share of funding in excess of \$999,999 for the Capital Gains program during the 2009-2010 school year, meaning that certain incentive payments due to student participants will not be made.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. GAGA-2009-C-0005 Option Exercise and Contract No. GAGA-2010-C-0022 Modification Approval and Payment Authorization Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-433

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 16, 2010

To declare the existence of an emergency with respect to the need to approve modifications to Contract No. DCAM-2006-C-0033A with R&R Janitorial, Painting & Building Services, Inc., and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-2006-C-0033A Option Year 2 and Option Year 3 Approval and Payment Authorization Emergency Declaration Resolution of 2010".

Sec. 2. (a) There exists an immediate need to approve Option Year 2 and Option Year 3 to Contract No. DCAM-2006-C-0033A with R&R Janitorial, Painting & Building Services, Inc. ("R&R"), for city-wide janitorial and related services at District-owned and leased facilities and to authorize payment for the services received and to be received under this contract.

(b) On April 18, 2006, the Office of Contracting and Procurement ("OCP") awarded Contract No. DCAM-2006-C-0033A to R&R for city-wide janitorial and related services in the amount of \$749,121.80.

(c) On June 1, 2006, the Department of Real Estate Services ("DRES") added 4 additional buildings which should have increased the contract amount by \$189,000 to \$938,121.80.

(d) On April 13, 2007, Modification No. 1 was awarded to exercise Option Year 1 for \$749,121.80 instead of the amount of \$938,121.80. Although DRES never executed a contract modification for the new amount of \$938,121.80, R&R billed the District at the new amount.

(e) On November 8, 2007, DRES executed Modification No. 2, which changed the Contracting Officer's Technical Representative.

(f) On April 18, 2008, Modification No. 3 was executed to exercise Option Year 2 in the amount of \$749,121.80, not the increased amount of \$938,121.80.

(g) On September 4, 2008, Modification No. 4 added one additional building in the amount of \$42,720, which increased the stated amount of the contract to \$791,841.80, although this amount should have been \$980,841.80.

ENROLLED ORIGINAL

(h) On September 5, 2008, Modification No. 5 added an equitable adjustment for living wage in the amount of \$99,452, which increased the contract amount to \$891,293.80, although the actual amount should have been \$1,080,293.80.

(i) On April 30, 2009, Modification No. 6 exercised Option Year 3 in the erroneous amount of \$749,121.80, although this amount should have been \$1,080,293.80 based on the additional buildings and equitable adjustment contained in Modification Nos. 4 and 5.

(j) On August 27, 2009, Modification No. 7 added one additional building in the amount of \$11,340, increasing the contract amount to \$1,091,633.80.

(k) On September 23, 2009, Modification No. 8 provided custodial services for the Food Court located at 441 4th Street, N.W., in the amount of \$8,250, increasing the contract amount to \$1,099,883.80.

(l) On September 30, 2009, Modification No. 9 added 5 additional buildings in the amount of \$245,321.50, increasing the contract amount to \$1,345,205.30.

(m) On November 9, 2009, Modification 9A provided cleaning services at PR Harris School in the amount of \$14,895, increasing the contract amount to \$1,360,100.30.

(n) On November 5, 2009, Modification No. 10 added one additional building in the amount of \$134,400, increasing the contract amount to \$1,494,500.30.

(o) Council approval for Option Year 2 and Option Year 3 contracts is necessary as the modifications have increased the contract to over \$1 million during a 12-month period.

(p) Approval is necessary to allow the continuation of these vital services. Without this approval, R&R cannot be paid for services provided in excess of \$1 million for each of these option years.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-2006-C-0033A Option Year 2 and Option Year 3 Approval and Payment Authorization Emergency Act of 2010 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.